

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**ORDER CLARIFYING SPEEDY TRIAL
ACT FINDINGS IN RESPONSE TO
EXIGENT CIRCUMSTANCES CREATED
BY COVID-19**

**ADM-1
ORDER 20-19**

ORDER

In Standing Order ADM-1, Order 20-17, the court adopted and expanded upon the findings in ADM-1, Order 20-5, and extended the continuance of criminal jury trials to July 1, 2020.

Each district judge on this court adopts the excludable time and “ends of justice” findings contained in the Speedy Trial Act order in ADM-1, Order 20-5, and applies those findings to all criminal cases continued by ADM-1, Order 20-17.


The judges on this court continue to agree—in light of the unique circumstances presented by this public health emergency as described in ADM 1, 20-5 and ADM 1, 20-17—that issuing individual findings in each separate case would be redundant and unnecessary and a waste of scarce judicial resources. The Speedy Trial Act “ends of justice” findings in each case are—due to the nature of this public health emergency—applicable generally to all cases before this court. Thus, a particularized finding in each case would be redundant.

The court reiterates for the fourth time that “[e]xcept for the right of a fair trial before an impartial jury, no mandate of our jurisprudence is more important” than the Speedy Trial Act. Furlow v. United States, 644 F.2d 764, 768–69 (9th Cir. 1981) (analyzing Speedy Trial Act and upholding district court’s “ends of justice” findings during the emergency created by the eruption of Mt. St. Helens). In exercising our discretion to make these findings under the Speedy Trial Act, every judge on this court remains ever mindful of the critical principles at stake here.

Within seven (7) days of the date this order is docketed, any defendant who has an individualized concern not addressed by this order may file a motion for a determination regarding his or her rights under the Speedy Trial Act, and the court will consider the ends of justice finding as to that defendant de novo.

SO ORDERED.

Date: May 26, 2020



Landya B. McCafferty
Chief Judge

/s/ Paul J. Barbadoro

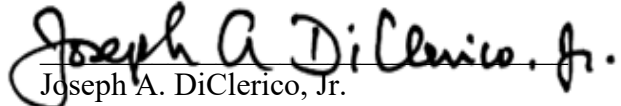
Paul J. Barbadoro

District Judge

A handwritten signature in black ink that reads "Joe Laplante". The signature is fluid and cursive, with the first name "Joe" being more prominent.

Joseph N. Laplante

District Judge

A handwritten signature in black ink that reads "Joseph A. DiClerico, Jr.". The signature is written in a cursive style with a large, looping "J" at the beginning.

Joseph A. DiClerico, Jr.

District Judge

A handwritten signature in black ink that reads "Steven J. McAuliffe". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

Steven J. McAuliffe

District Judge

A handwritten signature in black ink that reads "Andrea K. Johnstone". The signature is cursive and flows from left to right.

Andrea K. Johnstone

Magistrate Judge